

## WATER COUNCIL MEETING

Dept. of Environmental Services  
6 Hazen Dr., Concord, N.H.

April 9, 2003  
9:00 a.m.

Members present: Councilors Bridges; Bradley; Butler; Cowan; Densberger; Funk; Patenaude; Varotsis; Councilor McLeod's designee, Johanna Lyons; and Councilor Bartlett's designee, Randy Curtis.

Members absent: Councilors DiMarzio; Kibbey; Councilor Flynn or his designee, David Barrett; Office of State Planning designee, Ben Frost; and Councilor Vailas or his designee, Brook Dupee.

Vacancies: Appointee representing agricultural interests.

Chairman Bridges opened the meeting and the following items received consideration:

- (1) **Approval of Minutes of March 12, 2003 Meeting**  
*A motion was made by Councilor Bradley to accept the minutes of the March 12, 2003 meeting. Councilor Funk seconded the motion and the vote was unanimous.*

(2) **Status of Appeals**

Appeals Clerk Michael Sclafani presented a status report of appeals.

- a. Docket No. 01-13 WC, Appeal of Lake Ashuelot Estates Association  
A written decision is in draft form awaiting further comments from the presiding officer before being forwarded to the Attorney General's Office for comment.
- b. Docket No. 01-20 WC, Appeal of John Dixon, Sunapee  
A written decision is in draft form awaiting further comments from the presiding officer before being forwarded to the Attorney General's Office for comment.
- c. Docket No. 02-09 WC, Appeal of Town of Springfield  
A settlement agreement and Notice of Withdrawal of Appeal was received April 9, 2003.
- d. Docket No. 02-14 WC, Appeal of Randall Parker  
An appearance by Attorney Sherilyn Young on behalf of Randall and Caryl Parker was filed on March 17, 2003 along with a Motion for Reconsideration of Decision & Order. On April 8, 2003 a Request to Stay Motion for Reconsideration of Decision & Order was filed indicating that the Parkers and DES had reached an agreement.

After discussion, the following action was taken by the Council:

***A motion was made by Councilor Butler to grant the appellant's Request to Stay Motion for Reconsideration of Decision & Order. Councilor Bradley seconded the motion and it was unanimously voted.***

Approx. 9:30 Councilor Patenaude arrived.

- (3) **Proposed Water User Registration and Reporting Rule Env-C 400**  
Frederick Chormann, P.G reviewed proposed rule Env-C 400 with the Council. This rule replaces expired rule Env-Wr 700. The proposed rule is a reorganization of the original water registration rule with some clarifications and amendments. There is now a requirement to report the maximum daily use during the month in addition to the total monthly use. Registration is required whenever water withdrawals average 20,000 gallons per day over a 7-day period or 600,000 gallons over a 30-day period from the same source. The rule explicitly applies to withdrawals for hydroseeding and other uses which are of a mobile nature where resources are repeatedly tapped at one location and transported to another place for use. Those activities must be documented as to user and quantity of water withdrawn. The applicability of the rule is fairly broad in that use encompasses withdrawal as well as returns of water.
- (4) **Discussion of Proposed Radionuclides Rules, Env-Ws 300**  
Bernard Lucey, P.E. reviewed proposed rule changes to Env-Ws 300. This rule has been updated to bring it into conformance with changes made by US EPA. It adopts a standard for uranium, which has not been regulated in the past, and requires comprehensive monitoring for radium 228. The changes are basically taken from the federal program with the exception that New Hampshire will be performing water radiological exams on test wells at schools and workplaces. Those results will be made available to school and workplace decisionmakers. DES expects that approximately thirty to fifty public water systems will exceed the uranium standard and one or two may exceed the radium standard. The equipment cost for a small system (approximately the size of a mobile home park system) to come into compliance with the uranium standard would be roughly \$20,000 for equipment and another \$15,000 for housing the equipment. Currently, the rule proposes that waste disposal be handled onsite, but it may become a more regulated area in the future. The rule does not apply to commercial campgrounds.

(5) **Legislation Update**

Russ Nylander, P.E., Chief Engineer, reported on legislation being tracked by the Water Division.

Harry Stewart, P.E., Water Division Director, reported on HB 810, the wetlands fees bill. HB 353, a bill to fund the study and implementation of instream flows and water management plans, has not been funded, but there are currently proposals to make funds available from revolving loan fund accounts through the state capital budget.

(6) **Other Business**

There was no further business to come before the Council.

(7) **Next Meeting**

The next meeting will be June 11, 2003. The Council will not meet in May unless issues are brought forward that need to be addressed prior to the June meeting.

(9) **Adjournment**

The meeting adjourned at approximately 9:45 a.m.